IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 1605 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26.08.1999 in WRIT PETITION No:10327 OF1999 on the file of the High Court.)

Between:

The Assistant Commissioner,

Endowments Department,

Guntur, Guntur District.

..... APPELLANT

AND

1. Y.Gnana Prakasha Rao, S/o.late Purushotham

   Kuchipudi Village, Amarthalur (M)

   Guntur District.

2. Sri Y.Suresh Babu, S/o.Anjaiah

   Kuchipudi (V), Amarthalur (M)

   Guntur District.

3. Y.Rajendra Prasad, S/o.late Purushotham

   3/9, Pruthivi Apartments, Brodipet,

   Guntur District.

4. Smt.Meka Vakula, W/o.Venugopal,

   Kuchipudi (V), Guntur District.

5. T.Nageswara Rao, S/o.Sreeramulu,

Kuchipudi (V), Guntur District.

6. Kuchipudi Charles, S/o.Ramaiah,

Kuchipudi (V), Guntur District.

… **RESPONDENTS**

Counsel for the Appellant: GOVERNMENT PLEADER FOR ENDOWMENTS
Counsel for Respondent No.1: MR.R.RAGHUNANDAN
Counsel for Respondent Nos.2 to 6: MR.G.DHARMA RAO

The Court made the following

JUDGMENT: (**per the Hon'ble Sri Justice L.Narasimha Reddy**)

The first respondent herein filed the writ petition to declare the action of the appellant in issuing proceedings No.A2/2584/99 dated 09.03.1999 as illegal and arbitrary and consequently to set aside the said proceedings. The writ petition was allowed with certain directions and observations. Aggrieved by the same, the present writ appeal is filed.

Learned counsel for the first respondent Sri R.Raghunandan submits that the first respondent is no more and in that view of the matter, the writ appeal stands abated.

Sri M. Adinarayana Raju, learned counsel who filed WAMP.No.1214 of 2005 submits that though the writ appeal has abated, the observations made and directions issued by the learned single Judge in the writ petition, would adversely affect the interests of his clients.

The learned single Judge, while allowing the writ petition, made an observation to the effect that the question as to whether the concerned Trust is subject to the provisions of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short "the Act") has to be decided by the Commissioner. It is not evident as to whether any application under Section 87 of the Act has been filed and is pending before the concerned authority. Section 87 of the Act enables the aggrieved party to file an application before the Deputy Commissioner. It is only in such applications that the question as to whether any institution, or the properties relating thereto, are subject to the provisions of the Act, can be decided.

Therefore, while recording that the writ appeal has abated on account of the death of the first respondent, we make it clear that the order in the writ petition cannot be treated as a final pronouncement as to the nature of the concerned Trust or its property. We also make it clear as and when an application is filed by any aggrieved party under Section 87 of the Act, the same has to be dealt with on its own merits, in accordance with law, uninfluenced by any of the observations made in the order in the writ petition.

With the above observation, the writ appeal is closed. No costs.

(T.MEENA KUMARI, J)

(L.NARASIMHA REDDY, J)

Dt: 04.04.2005

bsv/lvl

To

1. The Assistant Commissioner,

Endowments Department

Guntur, Guntur District

2. Two CCs to the Government Pleader for Endowments, High Court of A.P., Hyderabad (OUT)

3. Two CD copies